

Planning Certificate Section 10.7(2) & (5)



Certificate Number: 45323

Date Issued: 27/02/2025

Applicant Details:

InfoTrack
GPO Box 4029
SYDNEY NSW 2001

Applicant Reference: BH2CY-DR
Parcel Number: 12654

Property Details:

Title Details: Lot 90 DP 36535
Property Address: 988 Corella Street NORTH ALBURY NSW 2640

Section 209 and Schedule 2 to the *Environmental Planning and Assessment Regulation 2021*,
issued under the *Environmental Planning and Assessment Act 1979 (Act)*

1. Names of relevant planning instruments and development control plans

- (1) The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.

Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)

The consolidated Albury Local Environmental Plan 2010 is the principal statutory planning instrument to guide planning decisions for the Albury Local Government area.

An electronic version is available at: <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2010-0433#statusinformation>

Albury Development Control Plan 2010 (Adopted 13/08/2010)

The Albury Development Control Plan 2010 contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.

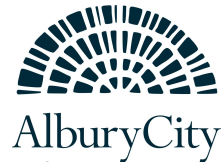
An electronic version is available at: <https://www.alburycity.nsw.gov.au/property/plan/planning-controls/albury-development-control-plan-2010>

State Environmental Planning Policies

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website: <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

State Environmental Planning Policy (Sustainable Buildings) 2022
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts – Regional) 2021
State Environmental Planning Policy (Exempt and Complying Development) 2008
State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) 2002

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- (2) The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

Planning Proposal - Albury Conservation Zoned Lands Review

This Planning Proposal seeks to implement Conservation Zone amendments (proposed additions or removal) informed by an ecological assessment. The proposed changes primarily address mapping anomalies where zoning does not line up with property boundaries or does not reflect environmental attributes. Public exhibition closed on 1 February 2023 and submissions received have been considered. Council endorsed the Planning Proposal subject to a number of recommended amendments on 12 August 2024.

A map of the changes is available to view at the following webpage <https://www.haveyoursay.alburycity.nsw.gov.au/conservation-zoned-lands-review> The Planning Proposal is now being finalised with the NSW Department of Planning, Housing and Infrastructure.

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if:
- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or
 - (b) for a proposed environmental planning instrument – the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.
- (4) In this section:
- proposed environmental planning instrument*** means a draft environmental planning instrument and includes a planning proposal for a local environment plan.

2. Zoning and land use under relevant planning instruments

- (a) the identity of the zone:
- Zone: R1 - General Residential Zone**
- (b) the purposes for which development in the zone:
- (i) may be carried out without development consent
- Refer to Appendix A**
- (ii) may not be carried out except with development consent
- All permitted development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is permitted without consent or, if listed as Exempt Development in *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A). The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.**
- (iii) is prohibited
- Refer to Appendix A**
- (c) whether additional permitted uses apply to the land:
- None apply.**
- (d) whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions:

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This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.

- (e) whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*

None apply.

- (f) whether the land is in a conservation area, however described:

None apply.

- (g) whether an item of environmental heritage, however described, is located on the land:

None apply.

3. Contributions plans

- (1) The name of each contribution plan under *Division 7.1 of the Act* that applies to the land area as follows:

Section 94 Development Servicing Plan, March 2005 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Section 64 Development Servicing Plan, July 2004 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Albury Infrastructure Contributions Plan 2014. This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94) contributions or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded Local Infrastructure, Water and Wastewater Management Works. The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website: <https://www.alburycity.nsw.gov.au>

- (2) If the land is in a special contributions area under Division 7.1 of the Act, the name of the area:

None apply.

4. Complying development

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A (1) (c) to (e), (2), (3) or (4), 1.18 (1) (c3) and 1.19.
- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reason why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that:
- (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.
- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

Complying Development Codes that may apply to the land?

Housing Code

Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Rural Housing Code

Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Low Rise Housing Diversity Code

Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Greenfield Housing Code

Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.

Inland Code

Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Housing Alterations Code

Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

General Development Code

Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Demolition Code

Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Industrial and Business Alterations Code

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Container Recycling Facilities Code

Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Subdivision Code

Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

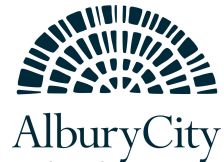
Industrial and Business Building Code

Complying Development may not be carried out under the Commercial & Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Fire Safety Code

Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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Note: Despite any references above advising that complying development may be undertaken on the land, certain complying development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

5. Exempt Development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that:
 - (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.
- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to that land.

There is no land within the Albury local government area identified under:

- **1.16(1)(b1) as a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016** <https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063>, or
- **declared critical habitat under Part 7A of the Fisheries Management Act 1994** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038>, and
- **1.16(1)(b2) as, or part of, a wilderness area (within the meaning of Wilderness Act 1987** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196>), and
- **1.16(1)(d) described or otherwise identified on a map specified in Schedule 4 – Land excluded from the General Exempt Development Code.**
- **1.16A within 18 kilometres of Siding Spring Observatory.**

Note: Despite any references above advising that exempt development may be undertaken on the land, certain exempt development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

6. Affected building notices and building product rectification order

- (1) Is council is aware of any of the following?
 - (a) an affected building notice is in force in relation to the land:
None that council is aware of.
 - (b) a building product rectification order is in force in relation to the land that has not been fully complied with:
None that council is aware of.
 - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding:
None that council is aware of.

- (2) In this section:

Affected building notice has the same meaning as in *Part 4 of the Building Products (Safety) Act 2017*.

Building product rectification order has the same meaning as the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

- (1) Is council aware of an environmental planning instrument or proposed environmental planning instrument in relation to the acquisition of the land by an authority of the State, as referred to in section 3.15 for the Act.

None that council is aware of.

8. Road widening and road realignment

- (1) Is council aware whether the land is affected by road widening or road realignment under:

- (a) Part 3, Division 2 of the *Roads Act 1993*, or
- (b) an environmental planning instrument, or
- (c) a resolution of the council.

The land is not in close proximity to the ring road.

The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the Roads Act 1993 or a resolution by Albury City Council.

9. Flood related development controls information

- (1) Is council aware whether the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) Is council aware whether the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

None that council is aware of.

- (3) In this section:

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Contaminated Land:

The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.

- (2) In this section:

adopted policy means a policy adopted:

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

Note: The following matters are prescribed by section 59 (2) of the *Contamination Land Management Act 1997 (CLM Act)* as additional matters to be specified in a planning certificate

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- (a) Clause 59(2)(a) - is the land (or a part of the land) to which this certificate relates significantly contaminated land?

None apply.

- (b) Clause 59(2)(b) – is the land to which this certificate relates subject to a management order as at the date when this certificate is issued?

None apply.

- (c) Clause 59(2)(c) – is the land to which this certificate relates the subject of an approved voluntary management proposal as at the date when this certificate is issued?

None apply.

- (d) Clause 59(2)(d) – is the land to which this certificate relates the subject to an ongoing maintenance order as at the date when the certificate is issued?

None apply.

- (e) Clause 59(2)(e) – is the land to which this certificate relates the subject of a site audit statement?

None apply.

11. Bush fire prone land

- (1) Is council aware if any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under section 10.3 of the Act, a statement that all or some of the land is bush fire prone land.

Council is not aware of any part of the land being bush fire prone.

12. Loose-fill asbestos insulation

- (1) Is council aware whether the land includes residential premises, within the meaning of *Part 8, Division 1A of the Home Building Act 1989*, that are listed on the Register kept under that Division:

None that council is aware of.

13. Mine subsidence

- (1) Is council aware whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

This land is not proclaimed to be a mine subsidence district within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

14. Paper subdivision information

- (1) Is council aware if the land is subject to any development plan adopted by a relevant authority or that is subject to a consent ballot?

None that council is aware of.

- (2) Is Council aware whether a subdivision order applies to the land?

None that council is aware of.

- (3) Words and expressions used in this section have the same meaning as in *Part 10 of the Environmental Planning and Assessment Regulation 2021 and Schedule 7 of the Act*.

15. Property vegetation plans

Is council aware if the land is land in relation to which a property vegetation plan is approved and in force under *Part 4 of the Native Vegetation Act 2003 (repealed)*?

No - Council is not aware of a property vegetation plan being approved and in force in relation to the land.

16. Biodiversity stewardship sites

Is council aware if the land is a biodiversity stewardship site under a biodiversity stewardship agreement under *Part 5 of the Biodiversity Conservation Act 2016*?

No – Council is not aware of the land being a biodiversity stewardship site under a biodiversity stewardship agreement.

Note: Biodiversity stewardship agreements include biobanking agreements under *Part 7A of the Threatened Species Conservation Act 1995*, that are taken to be biodiversity stewardship agreements under *Part 5 of the Biodiversity Conservation Act 2016*.

17. Biodiversity certified land

Is council aware if the land is biodiversity certified land under *Part 8 of the Biodiversity Conservation Act 2016*?

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and following extension on 15 February 2021, shall remain in force for a period of up to five years, expiring on 24 February 2026.

18. Orders under *Trees (Disputes Between Neighbours) Act 2006*

Is council aware whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land?

None that council is aware of.

19. Annual charges under the *Local Government Act 1993* for coastal protections services that relate to existing coastal protection works

- (1) Has the owner, or a previous owner, of the land given written consent to the land being subject to annual charges under section 496B of the *Land Government Act 1993*, for coastal protection services that relate to existing coastal protection works.

Not applicable.

- (2) In this section:

existing coastal protection works has the same meaning as section 553B of the *Local Government Act 1993*.

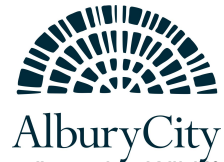
Note: Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

20. Western Sydney Aerotropolis

Is council aware whether Chapter 4 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* applies to the land and the land is:

- (a) in an ANEF or ANEC contour of 20 or greater, as referred to in that Chapter, section 4.17, or
- (b) shown on the Lighting Intensity and Wind Shear Map, or
- (c) shown on the Obstacle Limitation Surface Map, or
- (d) in the “public safety area” on the Public Safety Area Map, or

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- (e) in the “3 kilometre wildlife buffer zone” or the “13 Kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.

Not applicable.

21. Development consent conditions for seniors housing

Is council aware if Chapter 3, Part 5 of the *State Environment Planning Policy (Housing) 2021* applies to the land and whether any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in section 88(2) of the Policy.

None that council is aware of.

22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is council aware whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, in relation to proposed development on the land and, if there is a certificate:

- (a) the period for which the certificate is current, and
- (b) that a copy may be obtained from the Department.

None that council is aware of.

- (2) Is council aware whether Chapter 2, Part 2, Division 1 or 5 of the *State Environmental Planning Policy (Housing) 2021*, applies to the land, and whether any conditions of a development consent in relation to the land that are of a kind referred to in section 21(1) or 40(1) that Policy.

Not that council is aware of.

- (3) Is council aware of any conditions of a development consent in relation to the land that are of a kind referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

None that council is aware of.

- (4) In this section:

former site compatibility certificate means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

NOTATIONS:

Threatened Species

None apply.

Other Development Constraints

None apply.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

NIL

GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

Albury Development Control Plan 2010 complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be suspended under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

Service Leader City Development

Infrastructure, Planning and Environment

APPENDIX 'A' to the PLANNING CERTIFICATE

R1 – GENERAL RESIDENTIAL ZONE

Land Use Table

1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

2. Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3. Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Helipads; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises, Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

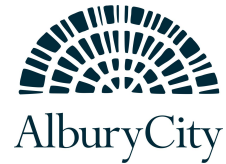
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Development in the R1 General Residential Zone

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as “Exempt Development” to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/> .

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Date Issued: 27/02/2025

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InfoTrack
GPO Box 4029
SYDNEY NSW 2001

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- (a) the identity of the zone:
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- Refer to Appendix A**
- (ii) may not be carried out except with development consent
- All permitted development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is permitted without consent or, if listed as Exempt Development in *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A). The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.**
- (iii) is prohibited
- Refer to Appendix A**
- (c) whether additional permitted uses apply to the land:
- None apply.**
- (d) whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions:

Planning Certificate Section 10.7(2) & (5)



This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.

- (e) whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*

None apply.

- (f) whether the land is in a conservation area, however described:

None apply.

- (g) whether an item of environmental heritage, however described, is located on the land:

None apply.

3. Contributions plans

- (1) The name of each contribution plan under *Division 7.1 of the Act* that applies to the land area as follows:

Section 94 Development Servicing Plan, March 2005 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Section 64 Development Servicing Plan, July 2004 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Albury Infrastructure Contributions Plan 2014. This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94) contributions or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded Local Infrastructure, Water and Wastewater Management Works. The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website: <https://www.alburycity.nsw.gov.au>

- (2) If the land is in a special contributions area under Division 7.1 of the Act, the name of the area:

None apply.

4. Complying development

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A (1) (c) to (e), (2), (3) or (4), 1.18 (1) (c3) and 1.19.
- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reason why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that:
- (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.
- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

Complying Development Codes that may apply to the land?

Housing Code

Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Rural Housing Code

Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Low Rise Housing Diversity Code

Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Greenfield Housing Code

Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.

Inland Code

Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Housing Alterations Code

Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

General Development Code

Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Demolition Code

Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Industrial and Business Alterations Code

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Container Recycling Facilities Code

Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Subdivision Code

Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Industrial and Business Building Code

Complying Development may not be carried out under the Commercial & Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Fire Safety Code

Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Planning Certificate Section 10.7(2) & (5)



Note: Despite any references above advising that complying development may be undertaken on the land, certain complying development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

5. Exempt Development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that:
 - (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extend to which exempt development may or may not be carried out on the land.
- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to that land.

There is no land within the Albury local government area identified under:

- **1.16(1)(b1) as a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016** <https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063>, or
- **declared critical habitat under Part 7A of the Fisheries Management Act 1994** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038>, and
- **1.16(1)(b2) as, or part of, a wilderness area (within the meaning of Wilderness Act 1987** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196>), and
- **1.16(1)(d) described or otherwise identified on a map specified in Schedule 4 – Land excluded from the General Exempt Development Code.**
- **1.16A within 18 kilometres of Siding Spring Observatory.**

Note: Despite any references above advising that exempt development may be undertaken on the land, certain exempt development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

6. Affected building notices and building product rectification order

- (1) Is council is aware of any of the following?
 - (a) an affected building notice is in force in relation to the land:
None that council is aware of.
 - (b) a building product rectification order is in force in relation to the land that has not been fully complied with:
None that council is aware of.
 - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding:
None that council is aware of.

- (2) In this section:

Affected building notice has the same meaning as in *Part 4 of the Building Products (Safety) Act 2017*.

Building product rectification order has the same meaning as the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

- (1) Is council aware of an environmental planning instrument or proposed environmental planning instrument in relation to the acquisition of the land by an authority of the State, as referred to in section 3.15 for the Act.

None that council is aware of.

8. Road widening and road realignment

- (1) Is council aware whether the land is affected by road widening or road realignment under:
- (a) Part 3, Division 2 of the *Roads Act 1993*, or
 - (b) an environmental planning instrument, or
 - (c) a resolution of the council.

The land is not in close proximity to the ring road.

The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the Roads Act 1993 or a resolution by Albury City Council.

9. Flood related development controls information

- (1) Is council aware whether the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) Is council aware whether the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

None that council is aware of.

- (3) In this section:

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Contaminated Land:

The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.

- (2) In this section:

adopted policy means a policy adopted:

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

Note: The following matters are prescribed by section 59 (2) of the *Contamination Land Management Act 1997 (CLM Act)* as additional matters to be specified in a planning certificate

Planning Certificate Section 10.7(2) & (5)



- (a) Clause 59(2)(a) - is the land (or a part of the land) to which this certificate relates significantly contaminated land?
None apply.
- (b) Clause 59(2)(b) – is the land to which this certificate relates subject to a management order as at the date when this certificate is issued?
None apply.
- (c) Clause 59(2)(c) – is the land to which this certificate relates the subject of an approved voluntary management proposal as at the date when this certificate is issued?
None apply.
- (d) Clause 59(2)(d) – is the land to which this certificate relates the subject to an ongoing maintenance order as at the date when the certificate is issued?
None apply.
- (e) Clause 59(2)(e) – is the land to which this certificate relates the subject of a site audit statement?
None apply.

11. Bush fire prone land

- (1) Is council aware if any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under section 10.3 of the Act, a statement that all or some of the land is bush fire prone land.
Council is not aware of any part of the land being bush fire prone.

12. Loose-fill asbestos insulation

- (1) Is council aware whether the land includes residential premises, within the meaning of *Part 8, Division 1A of the Home Building Act 1989*, that are listed on the Register kept under that Division:
None that council is aware of.

13. Mine subsidence

- (1) Is council aware whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.
This land is not proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.

14. Paper subdivision information

- (1) Is council aware if the land is subject to any development plan adopted by a relevant authority or that is subject to a consent ballot?
None that council is aware of.
- (2) Is Council aware whether a subdivision order applies to the land?
None that council is aware of.
- (3) Words and expressions used in this section have the same meaning as in *Part 10 of the Environmental Planning and Assessment Regulation 2021 and Schedule 7 of the Act*.

15. Property vegetation plans

Is council aware if the land is land in relation to which a property vegetation plan is approved and in force under *Part 4 of the Native Vegetation Act 2003 (repealed)*?

No - Council is not aware of a property vegetation plan being approved and in force in relation to the land.

16. Biodiversity stewardship sites

Is council aware if the land is a biodiversity stewardship site under a biodiversity stewardship agreement under *Part 5 of the Biodiversity Conservation Act 2016*?

No – Council is not aware of the land being a biodiversity stewardship site under a biodiversity stewardship agreement.

Note: Biodiversity stewardship agreements include biobanking agreements under *Part 7A of the Threatened Species Conservation Act 1995*, that are taken to be biodiversity stewardship agreements under *Part 5 of the Biodiversity Conservation Act 2016*.

17. Biodiversity certified land

Is council aware if the land is biodiversity certified land under *Part 8 of the Biodiversity Conservation Act 2016*?

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and following extension on 15 February 2021, shall remain in force for a period of up to five years, expiring on 24 February 2026.

18. Orders under *Trees (Disputes Between Neighbours) Act 2006*

Is council aware whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land?

None that council is aware of.

19. Annual charges under the *Local Government Act 1993* for coastal protections services that relate to existing coastal protection works

- (1) Has the owner, or a previous owner, of the land given written consent to the land being subject to annual charges under section 496B of the *Land Government Act 1993*, for coastal protection services that relate to existing coastal protection works.

Not applicable.

- (2) In this section:

existing coastal protection works has the same meaning as section 553B of the *Local Government Act 1993*.

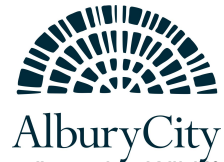
Note: Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

20. Western Sydney Aerotropolis

Is council aware whether Chapter 4 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* applies to the land and the land is:

- (a) in an ANEF or ANEC contour of 20 or greater, as referred to in that Chapter, section 4.17, or
- (b) shown on the Lighting Intensity and Wind Shear Map, or
- (c) shown on the Obstacle Limitation Surface Map, or
- (d) in the “public safety area” on the Public Safety Area Map, or

Planning Certificate Section 10.7(2) & (5)



- (e) in the “3 kilometre wildlife buffer zone” or the “13 Kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.

Not applicable.

21. Development consent conditions for seniors housing

Is council aware if Chapter 3, Part 5 of the *State Environment Planning Policy (Housing) 2021* applies to the land and whether any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in section 88(2) of the Policy.

None that council is aware of.

22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is council aware whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, in relation to proposed development on the land and, if there is a certificate:

- (a) the period for which the certificate is current, and
- (b) that a copy may be obtained from the Department.

None that council is aware of.

- (2) Is council aware whether Chapter 2, Part 2, Division 1 or 5 of the *State Environmental Planning Policy (Housing) 2021*, applies to the land, and whether any conditions of a development consent in relation to the land that are of a kind referred to in section 21(1) or 40(1) that Policy.

Not that council is aware of.

- (3) Is council aware of any conditions of a development consent in relation to the land that are of a kind referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

None that council is aware of.

- (4) In this section:

former site compatibility certificate means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

NOTATIONS:

Threatened Species

None apply.

Other Development Constraints

None apply.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

NIL

GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

Albury Development Control Plan 2010 complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be suspended under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

Service Leader City Development

Infrastructure, Planning and Environment

APPENDIX 'A' to the PLANNING CERTIFICATE

R1 – GENERAL RESIDENTIAL ZONE

Land Use Table

1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

2. Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3. Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Helipads; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises, Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

Planning Certificate Section 10.7(2) & (5)



Development in the R1 General Residential Zone

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as “Exempt Development” to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/> .

Planning Certificate Section 10.7(2) & (5)



Certificate Number: 45320

Date Issued: 27/02/2025

Applicant Details:

InfoTrack
GPO Box 4029
SYDNEY NSW 2001

Applicant Reference: BH2CY-DR
Parcel Number: 22875

Property Details:

Title Details: Lot 92 DP 36535
Property Address: 314 Swan Street NORTH ALBURY NSW 2640

Section 209 and Schedule 2 to the *Environmental Planning and Assessment Regulation 2021*,
issued under the *Environmental Planning and Assessment Act 1979 (Act)*

1. Names of relevant planning instruments and development control plans

- (1) The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.

Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)

The consolidated Albury Local Environmental Plan 2010 is the principal statutory planning instrument to guide planning decisions for the Albury Local Government area.

An electronic version is available at: <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2010-0433#statusinformation>

Albury Development Control Plan 2010 (Adopted 13/08/2010)

The Albury Development Control Plan 2010 contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.

An electronic version is available at: <https://www.alburycity.nsw.gov.au/property/plan/planning-controls/albury-development-control-plan-2010>

State Environmental Planning Policies

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website: <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

State Environmental Planning Policy (Sustainable Buildings) 2022
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts – Regional) 2021
State Environmental Planning Policy (Exempt and Complying Development) 2008
State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) 2002

Planning Certificate Section 10.7(2) & (5)



- (2) The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

Planning Proposal - Albury Conservation Zoned Lands Review

This Planning Proposal seeks to implement Conservation Zone amendments (proposed additions or removal) informed by an ecological assessment. The proposed changes primarily address mapping anomalies where zoning does not line up with property boundaries or does not reflect environmental attributes. Public exhibition closed on 1 February 2023 and submissions received have been considered. Council endorsed the Planning Proposal subject to a number of recommended amendments on 12 August 2024.

A map of the changes is available to view at the following webpage <https://www.haveyoursay.alburycity.nsw.gov.au/conservation-zoned-lands-review> The Planning Proposal is now being finalised with the NSW Department of Planning, Housing and Infrastructure.

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if:
- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or
 - (b) for a proposed environmental planning instrument – the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.
- (4) In this section:
- proposed environmental planning instrument*** means a draft environmental planning instrument and includes a planning proposal for a local environment plan.

2. Zoning and land use under relevant planning instruments

- (a) the identity of the zone:
- Zone: R1 - General Residential Zone**
- (b) the purposes for which development in the zone:
- (i) may be carried out without development consent
- Refer to Appendix A**
- (ii) may not be carried out except with development consent
- All permitted development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is permitted without consent or, if listed as Exempt Development in *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A). The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.**
- (iii) is prohibited
- Refer to Appendix A**
- (c) whether additional permitted uses apply to the land:
- None apply.**
- (d) whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions:

Planning Certificate Section 10.7(2) & (5)



This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.

- (e) whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*

None apply.

- (f) whether the land is in a conservation area, however described:

None apply.

- (g) whether an item of environmental heritage, however described, is located on the land:

None apply.

3. Contributions plans

- (1) The name of each contribution plan under *Division 7.1 of the Act* that applies to the land area as follows:

Section 94 Development Servicing Plan, March 2005 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Section 64 Development Servicing Plan, July 2004 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Albury Infrastructure Contributions Plan 2014. This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94) contributions or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded Local Infrastructure, Water and Wastewater Management Works. The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website: <https://www.alburycity.nsw.gov.au>

- (2) If the land is in a special contributions area under Division 7.1 of the Act, the name of the area:

None apply.

4. Complying development

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A (1) (c) to (e), (2), (3) or (4), 1.18 (1) (c3) and 1.19.
- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reason why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that:
- (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.
- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

Complying Development Codes that may apply to the land?

Housing Code

Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Rural Housing Code

Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Low Rise Housing Diversity Code

Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Greenfield Housing Code

Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.

Inland Code

Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Housing Alterations Code

Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

General Development Code

Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Demolition Code

Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Industrial and Business Alterations Code

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Container Recycling Facilities Code

Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Subdivision Code

Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Industrial and Business Building Code

Complying Development may not be carried out under the Commercial & Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Fire Safety Code

Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Planning Certificate Section 10.7(2) & (5)



Note: Despite any references above advising that complying development may be undertaken on the land, certain complying development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

5. Exempt Development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that:
 - (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extend to which exempt development may or may not be carried out on the land.
- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to that land.

There is no land within the Albury local government area identified under:

- **1.16(1)(b1) as a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016** <https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063>, or
- **declared critical habitat under Part 7A of the Fisheries Management Act 1994** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038>, and
- **1.16(1)(b2) as, or part of, a wilderness area (within the meaning of Wilderness Act 1987** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196>), and
- **1.16(1)(d) described or otherwise identified on a map specified in Schedule 4 – Land excluded from the General Exempt Development Code.**
- **1.16A within 18 kilometres of Siding Spring Observatory.**

Note: Despite any references above advising that exempt development may be undertaken on the land, certain exempt development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

6. Affected building notices and building product rectification order

- (1) Is council is aware of any of the following?
 - (a) an affected building notice is in force in relation to the land:
None that council is aware of.
 - (b) a building product rectification order is in force in relation to the land that has not been fully complied with:
None that council is aware of.
 - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding:
None that council is aware of.

- (2) In this section:

Affected building notice has the same meaning as in *Part 4 of the Building Products (Safety) Act 2017*.

Building product rectification order has the same meaning as the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

- (1) Is council aware of an environmental planning instrument or proposed environmental planning instrument in relation to the acquisition of the land by an authority of the State, as referred to in section 3.15 for the Act.

None that council is aware of.

8. Road widening and road realignment

- (1) Is council aware whether the land is affected by road widening or road realignment under:

- (a) Part 3, Division 2 of the *Roads Act 1993*, or
- (b) an environmental planning instrument, or
- (c) a resolution of the council.

The land is not in close proximity to the ring road.

The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the Roads Act 1993 or a resolution by Albury City Council.

9. Flood related development controls information

- (1) Is council aware whether the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) Is council aware whether the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

None that council is aware of.

- (3) In this section:

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Contaminated Land:

The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.

- (2) In this section:

adopted policy means a policy adopted:

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

Note: The following matters are prescribed by section 59 (2) of the *Contamination Land Management Act 1997 (CLM Act)* as additional matters to be specified in a planning certificate

Planning Certificate Section 10.7(2) & (5)



- (a) Clause 59(2)(a) - is the land (or a part of the land) to which this certificate relates significantly contaminated land?
None apply.
- (b) Clause 59(2)(b) – is the land to which this certificate relates subject to a management order as at the date when this certificate is issued?
None apply.
- (c) Clause 59(2)(c) – is the land to which this certificate relates the subject of an approved voluntary management proposal as at the date when this certificate is issued?
None apply.
- (d) Clause 59(2)(d) – is the land to which this certificate relates the subject to an ongoing maintenance order as at the date when the certificate is issued?
None apply.
- (e) Clause 59(2)(e) – is the land to which this certificate relates the subject of a site audit statement?
None apply.

11. Bush fire prone land

- (1) Is council aware if any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under section 10.3 of the Act, a statement that all or some of the land is bush fire prone land.
Council is not aware of any part of the land being bush fire prone.

12. Loose-fill asbestos insulation

- (1) Is council aware whether the land includes residential premises, within the meaning of *Part 8, Division 1A of the Home Building Act 1989*, that are listed on the Register kept under that Division:
None that council is aware of.

13. Mine subsidence

- (1) Is council aware whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.
This land is not proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.

14. Paper subdivision information

- (1) Is council aware if the land is subject to any development plan adopted by a relevant authority or that is subject to a consent ballot?
None that council is aware of.
- (2) Is Council aware whether a subdivision order applies to the land?
None that council is aware of.
- (3) Words and expressions used in this section have the same meaning as in *Part 10 of the Environmental Planning and Assessment Regulation 2021 and Schedule 7 of the Act*.

15. Property vegetation plans

Is council aware if the land is land in relation to which a property vegetation plan is approved and in force under *Part 4 of the Native Vegetation Act 2003 (repealed)*?

No - Council is not aware of a property vegetation plan being approved and in force in relation to the land.

16. Biodiversity stewardship sites

Is council aware if the land is a biodiversity stewardship site under a biodiversity stewardship agreement under *Part 5 of the Biodiversity Conservation Act 2016*?

No – Council is not aware of the land being a biodiversity stewardship site under a biodiversity stewardship agreement.

Note: Biodiversity stewardship agreements include biobanking agreements under *Part 7A of the Threatened Species Conservation Act 1995*, that are taken to be biodiversity stewardship agreements under *Part 5 of the Biodiversity Conservation Act 2016*.

17. Biodiversity certified land

Is council aware if the land is biodiversity certified land under *Part 8 of the Biodiversity Conservation Act 2016*?

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and following extension on 15 February 2021, shall remain in force for a period of up to five years, expiring on 24 February 2026.

18. Orders under *Trees (Disputes Between Neighbours) Act 2006*

Is council aware whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land?

None that council is aware of.

19. Annual charges under the *Local Government Act 1993* for coastal protections services that relate to existing coastal protection works

- (1) Has the owner, or a previous owner, of the land given written consent to the land being subject to annual charges under section 496B of the *Land Government Act 1993*, for coastal protection services that relate to existing coastal protection works.

Not applicable.

- (2) In this section:

existing coastal protection works has the same meaning as section 553B of the *Local Government Act 1993*.

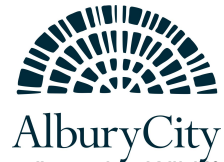
Note: Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

20. Western Sydney Aerotropolis

Is council aware whether Chapter 4 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* applies to the land and the land is:

- (a) in an ANEF or ANEC contour of 20 or greater, as referred to in that Chapter, section 4.17, or
- (b) shown on the Lighting Intensity and Wind Shear Map, or
- (c) shown on the Obstacle Limitation Surface Map, or
- (d) in the “public safety area” on the Public Safety Area Map, or

Planning Certificate Section 10.7(2) & (5)



- (e) in the “3 kilometre wildlife buffer zone” or the “13 Kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.

Not applicable.

21. Development consent conditions for seniors housing

Is council aware if Chapter 3, Part 5 of the *State Environment Planning Policy (Housing) 2021* applies to the land and whether any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in section 88(2) of the Policy.

None that council is aware of.

22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is council aware whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, in relation to proposed development on the land and, if there is a certificate:

- (a) the period for which the certificate is current, and
- (b) that a copy may be obtained from the Department.

None that council is aware of.

- (2) Is council aware whether Chapter 2, Part 2, Division 1 or 5 of the *State Environmental Planning Policy (Housing) 2021*, applies to the land, and whether any conditions of a development consent in relation to the land that are of a kind referred to in section 21(1) or 40(1) that Policy.

Not that council is aware of.

- (3) Is council aware of any conditions of a development consent in relation to the land that are of a kind referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

None that council is aware of.

- (4) In this section:

former site compatibility certificate means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

NOTATIONS:

Threatened Species

None apply.

Other Development Constraints

None apply.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

NIL

GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

Albury Development Control Plan 2010 complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be suspended under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

Service Leader City Development

Infrastructure, Planning and Environment

APPENDIX 'A' to the PLANNING CERTIFICATE

R1 – GENERAL RESIDENTIAL ZONE

Land Use Table

1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

2. Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3. Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Helipads; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises, Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

Planning Certificate Section 10.7(2) & (5)



Development in the R1 General Residential Zone

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as “Exempt Development” to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/> .

Planning Certificate Section 10.7(2) & (5)



Certificate Number: 45319

Date Issued: 27/02/2025

Applicant Details:

InfoTrack
GPO Box 4029
SYDNEY NSW 2001

Applicant Reference: BH2CY-DR
Parcel Number: 22876

Property Details:

Title Details: Lot 93 DP 36535
Property Address: 310 Swan Street NORTH ALBURY NSW 2640

Section 209 and Schedule 2 to the *Environmental Planning and Assessment Regulation 2021*,
issued under the *Environmental Planning and Assessment Act 1979 (Act)*

1. Names of relevant planning instruments and development control plans

- (1) The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.

Albury Local Environmental Plan 2010 (Gazetted 13/8/2010)

The consolidated Albury Local Environmental Plan 2010 is the principal statutory planning instrument to guide planning decisions for the Albury Local Government area.

An electronic version is available at: <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2010-0433#statusinformation>

Albury Development Control Plan 2010 (Adopted 13/08/2010)

The Albury Development Control Plan 2010 contains detailed planning controls that set out the guidelines and considerations against which development proposals can be consistently measured and assessed for determination purposes for the Albury Local Government Area.

An electronic version is available at: <https://www.alburycity.nsw.gov.au/property/plan/planning-controls/albury-development-control-plan-2010>

State Environmental Planning Policies

Full copies of each State Environmental Planning Policy are available online at NSW Legislation website: <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Primary Production) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Resources and Energy) 2021

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Precincts – Regional) 2021

State Environmental Planning Policy (Exempt and Complying Development) 2008

State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) 2002

Planning Certificate Section 10.7(2) & (5)



- (2) The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.

Planning Proposal - Albury Conservation Zoned Lands Review

This Planning Proposal seeks to implement Conservation Zone amendments (proposed additions or removal) informed by an ecological assessment. The proposed changes primarily address mapping anomalies where zoning does not line up with property boundaries or does not reflect environmental attributes. Public exhibition closed on 1 February 2023 and submissions received have been considered. Council endorsed the Planning Proposal subject to a number of recommended amendments on 12 August 2024.

A map of the changes is available to view at the following webpage <https://www.haveyoursay.alburycity.nsw.gov.au/conservation-zoned-lands-review> The Planning Proposal is now being finalised with the NSW Department of Planning, Housing and Infrastructure.

- (3) Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if:
- (a) It has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or
 - (b) for a proposed environmental planning instrument – the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.
- (4) In this section:
- proposed environmental planning instrument*** means a draft environmental planning instrument and includes a planning proposal for a local environment plan.

2. Zoning and land use under relevant planning instruments

- (a) the identity of the zone:
- Zone: R1 - General Residential Zone**
- (b) the purposes for which development in the zone:
- (i) may be carried out without development consent
- Refer to Appendix A**
- (ii) may not be carried out except with development consent
- All permitted development (construction and/or use) in this zone requires approval (development consent or complying development certificate) unless it is permitted without consent or, if listed as Exempt Development in *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* or where relevant in Clause 3.1 of Albury LEP 2010 (Refer to Appendix A). The demolition of all houses and most buildings or structures on the land require development consent unless it is Exempt Development.**
- (iii) is prohibited
- Refer to Appendix A**
- (c) whether additional permitted uses apply to the land:
- None apply.**
- (d) whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions:

Planning Certificate Section 10.7(2) & (5)



This land is subject to the planning provisions of clause 4.1-Minimum Subdivision Lot Size of the Albury Local Environment Plan 2010 and the relevant requirements of the Albury Development Control Plan 2010.

- (e) whether the land is in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*

None apply.

- (f) whether the land is in a conservation area, however described:

None apply.

- (g) whether an item of environmental heritage, however described, is located on the land:

None apply.

3. Contributions plans

- (1) The name of each contribution plan under *Division 7.1 of the Act* that applies to the land area as follows:

Section 94 Development Servicing Plan, March 2005 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Section 64 Development Servicing Plan, July 2004 as amended. This plan details charges to be levied on development, lodged prior to 30 June 2014.

Albury Infrastructure Contributions Plan 2014. This plan details the Local Infrastructure Contributions, including Section 64 contributions, Section 7.11 (formerly Section 94) contributions or Section 7.12 (formerly Section 94A contributions), to be levied on development and complying development lodged from 1 July 2014, to meet the cost of new and upgraded Local Infrastructure, Water and Wastewater Management Works. The *Albury Infrastructure Contributions Plan 2014* is available to view on Council's website: <https://www.alburycity.nsw.gov.au>

- (2) If the land is in a special contributions area under Division 7.1 of the Act, the name of the area:

None apply.

4. Complying development

- (1) If the land is land on which complying development may be carried out under each of the complying development codes under *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.17A (1) (c) to (e), (2), (3) or (4), 1.18 (1) (c3) and 1.19.
- (2) If complying development may not be carried out on the land because of 1 of those clauses, the reason why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that:
- (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.
- (4) If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.

Complying Development Codes that may apply to the land?

Housing Code

Complying Development may be carried out on the land under the Housing Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Rural Housing Code

Complying Development may not be carried out under the Rural Housing Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Low Rise Housing Diversity Code

Complying Development may be carried out on the land under the Low Rise Housing Diversity Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Greenfield Housing Code

Complying Development may not be carried out under the Greenfield Housing Code as the subject land is not within the designated Greenfield Housing Code Area.

Inland Code

Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Housing Alterations Code

Complying Development may be carried out on the land under the Housing Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

General Development Code

Complying Development may be carried out on the land under the General Development Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Demolition Code

Complying Development may be carried out on the land under the Demolition Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Industrial and Business Alterations Code

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Container Recycling Facilities Code

Complying Development may not be carried out under the Container Recycling Facilities Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Subdivision Code

Complying Development may be carried out on the land under the Subdivision Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

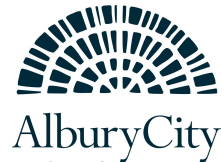
Industrial and Business Building Code

Complying Development may not be carried out under the Commercial & Industrial (New Buildings and Additions) Code as the subject land falls within a Local Environmental Plan zone that does not meet the requirements of the code.

Fire Safety Code

Complying Development may be carried out on the land under the Fire Safety Code, subject to the development complying with the relevant standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Planning Certificate Section 10.7(2) & (5)



Note: Despite any references above advising that complying development may be undertaken on the land, certain complying development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

5. Exempt Development

- (1) If the land is land on which exempt development may be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of that Policy, clause 1.16(1)(b1)-(d) or 1.16A.
- (2) If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.
- (3) If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that:
 - (a) a restriction applies to the land, but it may not apply to all of the land, and
 - (b) the council does not have sufficient information to ascertain the extend to which exempt development may or may not be carried out on the land.
- (4) If the exempt development codes are varied, under that Policy, clause 1.12, in relation to that land.

There is no land within the Albury local government area identified under:

- **1.16(1)(b1) as a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016** <https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063>, or
- **declared critical habitat under Part 7A of the Fisheries Management Act 1994** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1994-038>, and
- **1.16(1)(b2) as, or part of, a wilderness area (within the meaning of Wilderness Act 1987** <https://legislation.nsw.gov.au/view/html/inforce/current/act-1987-196>), and
- **1.16(1)(d) described or otherwise identified on a map specified in Schedule 4 – Land excluded from the General Exempt Development Code.**
- **1.16A within 18 kilometres of Siding Spring Observatory.**

Note: Despite any references above advising that exempt development may be undertaken on the land, certain exempt development may be precluded from occurring on the land due to requirements contained in the remainder of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of exempt development may be undertaken on the land.

6. Affected building notices and building product rectification order

- (1) Is council is aware of any of the following?
 - (a) an affected building notice is in force in relation to the land:
None that council is aware of.
 - (b) a building product rectification order is in force in relation to the land that has not been fully complied with:
None that council is aware of.
 - (c) a notice of intention to make a building product rectification order given in relation to the land is outstanding:
None that council is aware of.

- (2) In this section:

Affected building notice has the same meaning as in *Part 4 of the Building Products (Safety) Act 2017*.

Building product rectification order has the same meaning as the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

- (1) Is council aware of an environmental planning instrument or proposed environmental planning instrument in relation to the acquisition of the land by an authority of the State, as referred to in section 3.15 for the Act.

None that council is aware of.

8. Road widening and road realignment

- (1) Is council aware whether the land is affected by road widening or road realignment under:

- (a) Part 3, Division 2 of the *Roads Act 1993*, or
- (b) an environmental planning instrument, or
- (c) a resolution of the council.

The land is not in close proximity to the ring road.

The land is not affected by road widening or road re-alignment under Division 2 or Part 3 of the Roads Act 1993 or a resolution by Albury City Council.

9. Flood related development controls information

- (1) Is council aware whether the land or part of the land is within the flood planning area and subject to flood related development controls.
- (2) Is council aware whether the land or part of the land is between the flood planning area and the probable maximum flood and subject to flood related development controls.

None that council is aware of.

- (3) In this section:

flood planning area has the same meaning as in the Floodplain Development Manual.

Floodplain Development Manual means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

probable maximum flood has the same meaning as in the Floodplain Development Manual.

10. Council and other public authority policies on hazard risk restrictions

- (1) Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Contaminated Land:

The council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of council's adopted policy and the application of provisions under relevant State legislation is warranted.

- (2) In this section:

adopted policy means a policy adopted:

- (a) by the council, or
- (b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by the council.

Note: The following matters are prescribed by section 59 (2) of the *Contamination Land Management Act 1997 (CLM Act)* as additional matters to be specified in a planning certificate

Planning Certificate Section 10.7(2) & (5)



- (a) Clause 59(2)(a) - is the land (or a part of the land) to which this certificate relates significantly contaminated land?
None apply.
- (b) Clause 59(2)(b) – is the land to which this certificate relates subject to a management order as at the date when this certificate is issued?
None apply.
- (c) Clause 59(2)(c) – is the land to which this certificate relates the subject of an approved voluntary management proposal as at the date when this certificate is issued?
None apply.
- (d) Clause 59(2)(d) – is the land to which this certificate relates the subject to an ongoing maintenance order as at the date when the certificate is issued?
None apply.
- (e) Clause 59(2)(e) – is the land to which this certificate relates the subject of a site audit statement?
None apply.

11. Bush fire prone land

- (1) Is council aware if any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under section 10.3 of the Act, a statement that all or some of the land is bush fire prone land.
Council is not aware of any part of the land being bush fire prone.

12. Loose-fill asbestos insulation

- (1) Is council aware whether the land includes residential premises, within the meaning of *Part 8, Division 1A of the Home Building Act 1989*, that are listed on the Register kept under that Division:
None that council is aware of.

13. Mine subsidence

- (1) Is council aware whether the land is declared to be a mine subsidence district, within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.
This land is not proclaimed to be a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017.

14. Paper subdivision information

- (1) Is council aware if the land is subject to any development plan adopted by a relevant authority or that is subject to a consent ballot?
None that council is aware of.
- (2) Is Council aware whether a subdivision order applies to the land?
None that council is aware of.
- (3) Words and expressions used in this section have the same meaning as in *Part 10 of the Environmental Planning and Assessment Regulation 2021 and Schedule 7 of the Act*.

15. Property vegetation plans

Is council aware if the land is land in relation to which a property vegetation plan is approved and in force under *Part 4 of the Native Vegetation Act 2003 (repealed)*?

No - Council is not aware of a property vegetation plan being approved and in force in relation to the land.

16. Biodiversity stewardship sites

Is council aware if the land is a biodiversity stewardship site under a biodiversity stewardship agreement under *Part 5 of the Biodiversity Conservation Act 2016*?

No – Council is not aware of the land being a biodiversity stewardship site under a biodiversity stewardship agreement.

Note: Biodiversity stewardship agreements include biobanking agreements under *Part 7A of the Threatened Species Conservation Act 1995*, that are taken to be biodiversity stewardship agreements under *Part 5 of the Biodiversity Conservation Act 2016*.

17. Biodiversity certified land

Is council aware if the land is biodiversity certified land under *Part 8 of the Biodiversity Conservation Act 2016*?

Yes, applies. The Minister of Climate Change and the Environment has by Order Conferring biodiversity certification on the Albury Local Environmental Plan 2010 (except where amended by Biodiversity Certification of Environmental Planning Instruments Order 2017 dated 21 November 2017) conferred Biodiversity Certification on the subject land on 16 February 2011. Biodiversity Certification takes effect from the date of publication of this Order in the Government Gazette, being 25 February 2011, and following extension on 15 February 2021, shall remain in force for a period of up to five years, expiring on 24 February 2026.

18. Orders under *Trees (Disputes Between Neighbours) Act 2006*

Is council aware whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land?

None that council is aware of.

19. Annual charges under the *Local Government Act 1993* for coastal protections services that relate to existing coastal protection works

- (1) Has the owner, or a previous owner, of the land given written consent to the land being subject to annual charges under section 496B of the *Land Government Act 1993*, for coastal protection services that relate to existing coastal protection works.

Not applicable.

- (2) In this section:

existing coastal protection works has the same meaning as section 553B of the *Local Government Act 1993*.

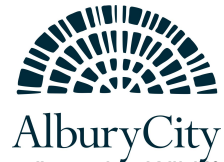
Note: Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011.

20. Western Sydney Aerotropolis

Is council aware whether Chapter 4 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* applies to the land and the land is:

- (a) in an ANEF or ANEC contour of 20 or greater, as referred to in that Chapter, section 4.17, or
- (b) shown on the Lighting Intensity and Wind Shear Map, or
- (c) shown on the Obstacle Limitation Surface Map, or
- (d) in the “public safety area” on the Public Safety Area Map, or

Planning Certificate Section 10.7(2) & (5)



- (e) in the “3 kilometre wildlife buffer zone” or the “13 Kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map.

Not applicable.

21. Development consent conditions for seniors housing

Is council aware if Chapter 3, Part 5 of the *State Environment Planning Policy (Housing) 2021* applies to the land and whether any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in section 88(2) of the Policy.

None that council is aware of.

22. Site compatibility certificates and development consent conditions for affordable rental housing

- (1) Is council aware whether there is a current site compatibility certificate under *State Environmental Planning Policy (Housing) 2021*, or a former site compatibility certificate, in relation to proposed development on the land and, if there is a certificate:

- (a) the period for which the certificate is current, and
- (b) that a copy may be obtained from the Department.

None that council is aware of.

- (2) Is council aware whether Chapter 2, Part 2, Division 1 or 5 of the *State Environmental Planning Policy (Housing) 2021*, applies to the land, and whether any conditions of a development consent in relation to the land that are of a kind referred to in section 21(1) or 40(1) that Policy.

Not that council is aware of.

- (3) Is council aware of any conditions of a development consent in relation to the land that are of a kind referred to in clause 17(1) or 38(1) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

None that council is aware of.

- (4) In this section:

former site compatibility certificate means a site compatibility certificate issued under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

NOTATIONS:

Threatened Species

None apply.

Other Development Constraints

None apply.

Additional relevant advice and information as provided by the AlburyCity Council affecting the land in accordance with section 10.7(5) of the *Environmental Planning and Assessment Act 1979*. Such advice and information is limited to that which it is aware.

Development Consent/Complying Development Certificates within 5 years

Has any Development Consent or Complying Development Certificate concerning the land been granted within the previous 5 years?

NIL

GENERAL COMMENTS

See Appendix A for the objectives of the zones affecting the subject land.

Planning Instruments and the *Albury Development Control Plan 2010* impose various restrictions on the use of the land which are not attributable to the zoning or reservation of the land.

Albury Development Control Plan 2010 complements the provisions of *Albury Local Environmental Plan 2010* and contains the detailed planning provisions relating to development standards and guidelines which will be considered by Council when assessing a development application.

The above information has been taken from the Council's records but Council cannot accept responsibility for any omission or inaccuracy.

The provisions of any covenant, agreement or instrument applying to this land purporting to restrict or prohibit certain development may be inconsistent with the provisions of a *State Environmental Planning Policy*, *Albury Local Environmental Plan 2010* or *Albury Development Control Plan 2010*. In these circumstances any such covenant, agreement or instrument may be suspended under clause 1.9A of the *Albury Local Environmental Plan 2010*.



David Christy

Service Leader City Development

Infrastructure, Planning and Environment

APPENDIX 'A' to the PLANNING CERTIFICATE

R1 – GENERAL RESIDENTIAL ZONE

Land Use Table

1. Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

2. Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3. Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Helipads; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Any other development not specified in item 2 or 4.

4. Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises, Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

Planning Certificate Section 10.7(2) & (5)



Development in the R1 General Residential Zone

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and Clause 3.1 of the Albury LEP 2010 allows certain types of development, known as “Exempt Development” to be undertaken generally without development consent on the subject property. Please visit the NSW Planning Portal for more information <https://www.planningportal.nsw.gov.au/> .